

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

FILED

2017 SEP 14 PM 1:19

CLERK OF DISTRICT COURT  
WESTERN DISTRICT OF TEXAS

BY me  
CLERK

FEDERAL DEPOSIT INSURANCE  
CORPORATION AS RECEIVER FOR  
GUARANTY BANK,

Plaintiff,

CAUSE NO.:  
A-14-CA-126-SS

-vs-

RBS SECURITIES INC.,

Defendant.

**ORDER**

BE IT REMEMBERED on this day the Court reviewed the file in the above-styled cause, and specifically Defendant RBS Securities Inc.'s Motion for Partial Summary Judgment [#71], Plaintiff Federal Deposit Insurance Corporation (FDIC)'s Response [#82] in opposition, and Defendant's Reply [#87] in support. Having reviewed the documents, the governing law, and the file as a whole, the Court now enters the following opinion and order.

The above-referenced motion and responses were filed concurrently in this and related case *FDIC v. Goldman, Sachs & Co et al.*, No. 1:14-CV-129-SS. For the reasons articulated in the Court's order issued in the related case, the declining principal balance method should be used in calculating damages under Article 581-33(D)(3) of the Texas Securities Act, and the appropriate interest rate is six percent per year.


**Conclusion**

Accordingly,

IT IS ORDERED that Defendant's Motion for Partial Summary Judgment [#71] is GRANTED IN PART and DENIED IN PART as described in this opinion.

✓

SIGNED this the 14<sup>th</sup> day of September 2017.

  
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SAM SPARKS  
UNITED STATES DISTRICT JUDGE